SIKKIM

GOVERNMENT



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GOVERNMENT OF SIKKIM EXCISE (ABK) DEPARTMENT GANGTOK

No. 3 Ex (Abk)

Dated: 19.01.09.

NOTIFICATION

In exercise of the powers conferred by clause (a) of section 77 of the Sikkim Excise Act 1992, (2 of 1992), the State Government hereby makes following rules to amend the Sikkim Excise (Brewery) Rules 2000, namely:-

Short title and commencement

 (1) These rules may be called the Sikkim Excise (Brewery) Amendment Rules, 2008.(2) They shall come into force on the date of their publication in the Official Gazette.

Amendment of rule 3

- 2. In the Sikkim Excise (Brewery) Rules 2000,-(1) for the existing sub-rule (2) of rule 3, the following shall be substituted, namely:-"(2)Once the application is entertained the applicant shall furnish the following particulars and documents to the Commissioner:-
 - (i) The name or names and the address or addresses, of the person or persons applying: Provided that if the applicant is a firm, a company or a corporation, the following documents shall have to be submitted:-
 - (a) deed of partnership, if any, (b) copies of memorandum and articles of association, (c) list of shareholders, (d) a copy of the latest balance sheet, (e) names and addresses of their directors, managing agents, managers and officers as defined in section 2 of the Companies Act, 1956, and (f) a copy of Board's resolution relevant to the application;
 - (ii) the purpose for which the manufactory is proposed to be opened specifying in detail the nature of business which the applicant desires to carry on therein;
 - (iii) the name of the place in which, the site on which and the building in which the manufactory is to be set up;
 - (iv) the number and full description of the stills, vats, and other permanent apparatus which the applicant wishes to install and the size and capacity thereof:
 - (v) the date of commissioning of the manufactory in the event of a licence being granted to him:
 - (vi) three copies of approved plan of the buildings which he intends to use or to construct for his manufactory and layout plan showing the position

- of stills, vats and other permanents apparatus along with a list of storeroom, warehouses, etc. connected therewith;
- (vii) an affidavit before a competent authority on the non –conviction of the applicant by criminal court of a non-bailable offence;
- (viii) an affidavit before a competent authority on whether the applicant or any of his partners holds on the date of application, held at any time in the past, individually or in partnership with others, any license for the sale of foreign liquor and if so, the details;
- (ix) project report, cost benefit analysis, estimated production and market feasibility;
- (x) certificate of incorporation from Law Department, Government of Sikkim;
- (xi) copy of the Industrial licence (Provisional licence registration certificate form Industry Department Government of Sikkim);
- (xii) estimated quantity of raw materials required to be imported from other states:
- (xiii) copy of fire service licence; and
- (xiv) a clearance from the proper authority in the matter of environmental pollution if necessary, and any other particulars as may be required by the Excise Commissioner:
- (2) after sub- rule (2), the following sub-rules (3) and (4) shall be inserted, namely:-"(3) On receipt of aforesaid details commissioner Excise shall examine the details and if satisfied shall forward the case to the Government with his recommendation for grant of provisional licence.""(4) On approval of the Government the applicant shall be issued a provision license which shall have the validity for a period of two years. The applicant shall take all effective steps and set up the manufactory within a period of two years. He shall also deposit an amount of Rs. 25,000 as security Deposit in favour of Commissioner Excise for fulfillment of this condition. In the event of his failure to set up the manufactory unit within the period of two years the Security Deposit of Rs. 25,000 shall be forfeited and no further extension of time shall be granted. If the applicant sets up the manufactory unit and obtains Excise licence under rule 5 and security deposit of Rs. 25,000 shall be treated as part of security deposit as provided under clause (c) of sub-rule (1) of rule 5.

Nailni G. Pradhan
Secretary to the Government of Sikkim
Excise (ABK) Department